IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

:

IN RE: PHILIPS RECALLED CPAP, BI-LEVEL PAP, AND MECHANICAL VENTILATOR PRODUCTS

Master Docket: Misc. No. 21-mc-1230-JFC

MDL No. 3014

LITIGATION

This Document Relates to:

SHORT FORM COMPLAINT FORPERSONAL INJURIES, DAMAGES,AND DEMAND FOR JURY TRIAL

Connie Chaney James, et al 19th JDC No. 722322 (East Baton Rouge Parish, LA), Removed to Middle District of LA Short Form Complaint No. 22-1383, Eastern District of PA

Plaintiff(s) incorporate(s) by reference the Amended Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial filed in *In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation*, MDL No. 3014, Master Docket Misc. No. 21-mc-1230 (the "Master Long Form Complaint"). This Short Form Complaint adopts the allegations, claims, and requested relief as set forth in the Master Long Form Complaint. As necessary herein, Plaintiff(s) may include: (a) additional claims and allegations against Defendants; and/or (b) additional claims and allegations against other Defendants not listed in the Master Long Form Complaint.

Plaintiff(s) further allege(s) as follows:

I. DEFENDANTS

- 1. Plaintiff(s) name(s) the following Defendants in this action:
 - Koninklijke Philips N.V.
 - Philips North America LLC.
 - Philips RS North America LLC.

II.

III.

	Philips Holding USA Inc.
	Philips RS North America Holding Corporation.
	Polymer Technologies, Inc.
	Polymer Molded Products LLC.
PLA	AINTIFF(S)
2.	Name of Plaintiff(s): Connie Chaney James, Angela James Jenkins, Fiona James, Desiree James and Andrew James, Jr.
3.	Name of spouse of Plaintiff (if loss of consortium claim is being made): Connie Chaney James
4.	Name and capacity (i.e., executor, administrator, guardian, conservator, etc.) of other Plaintiff, if any: N/A
5.	State(s) of residence of Plaintiff(s) (if the Recalled Device user is deceased residence at the time of death): Louisiana - East Baton Rouge Parish
DES	SIGNATED FORUM
6.	Identify the forum (United States District Court and Division) in which the Plaintiff would have filed in the absence of direct filing: Middle District of Louisiana

IV. USE OF A RECALLED DEVICE

7. Plaintiff used the following Recalled Device(s):

E30 (Emergency Use Authorization)	Dorma 500
DreamStation ASV	REMstar SE Auto
DreamStation ST, AVAPS	Trilogy 100
SystemOne ASV4	Trilogy 200
C-Series ASV	Garbin Plus, Aeris, LifeVent
C-Series S/T and AVAPS	A-Series BiPAP Hybrid A30 (not marketed
OmniLab Advanced +	in U.S.)
SystemOne (Q-Series)	A-Series BiPAP V30 Auto
✓ DreamStation	A-Series BiPAP A40
DreamStation Go	A-Series BiPAP A30
Dorma 400	Other Philips Respironics Device; if other,
	identify the model:
V. INJURIES	
	g physical injuries as a result of using a Recalled dant symptoms and consequences associated
COPD (new or worsening)	
Asthma (new or worsening	g)
Pulmonary Fibrosis	
Other Pulmonary Damage	/Inflammatory Response
Cancer	(specify cancer)
Kidney Damage	
Liver Damage	

	Heart Damage	
	✓ Death	
	Other (specify) Loss of Consortium	n
	-	
CAU	USES OF ACTION/D	AMAGES
9.	in the Master Long	Philips N.V., Plaintiff(s) adopt(s) the following claims asserted Form Complaint for Personal Injuries, Damages and Demand the allegations and prayer for relief with regard thereto, as set
	Count I:	Negligence
	Count II:	Strict Liability: Design Defect
	Count III:	Negligent Design
	Count IV:	Strict Liability: Failure to Warn
	Count V:	Negligent Failure to Warn
	Count VI:	Negligent Recall
	Count VII:	Battery
	Count VIII:	Strict Liability: Manufacturing Defect
	Count IX:	Negligent Manufacturing
	Count X:	Breach of Express Warranty
	Count XI:	Breach of the Implied Warranty of Merchantability
	Count XII:	Breach of the Implied Warranty of Usability
	Count XIII:	Fraud
	Count XIV:	Negligent Misrepresentation

VI.

Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
asserted in the Mass	th America LLC, Plaintiff(s) adopt(s) the following claims ter Long Form Complaint for Personal Injuries, Damages and
asserted in the Mass Demand for Jury Tri as set forth therein:	
asserted in the Mass Demand for Jury Tri	ter Long Form Complaint for Personal Injuries, Damages and
asserted in the Mass Demand for Jury Tri as set forth therein: Count I:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
asserted in the Mass Demand for Jury Tri as set forth therein:	ter Long Form Complaint for Personal Injuries, Damages and ial, and the allegations and prayer for relief with regard thereto, Negligence
asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II:	ter Long Form Complaint for Personal Injuries, Damages and ial, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect
asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count III:	ter Long Form Complaint for Personal Injuries, Damages and ial, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design
asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count III: Count IV:	ter Long Form Complaint for Personal Injuries, Damages and tal, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn
asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count III: Count IV: Count IV:	ter Long Form Complaint for Personal Injuries, Damages and ial, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn
asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count III: Count IV: Count IV: Count IV:	ter Long Form Complaint for Personal Injuries, Damages and ial, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Negligent Recall
asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count III: Count IV: Count IV: Count V: Count VI:	ter Long Form Complaint for Personal Injuries, Damages and ial, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Negligent Recall Battery

Breach of Express Warranty
Breach of the Implied Warranty of Merchantability
Breach of the Implied Warranty of Usability
Fraud
Negligent Misrepresentation
Negligence Per Se
Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Unjust Enrichment
Loss of Consortium
Survivorship and Wrongful Death
Medical Monitoring
Punitive Damages
Other [specify below]

11. As to Philips RS North America LLC, Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:

Count I:

Negligence

Count II:

Strict Liability: Design Defect

Count III:

Negligent Design

Count IV:

Strict Liability: Failure to Warn

Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other[specify below]

12.	in the Master Long	ng USA Inc., Plaintiff(s) adopt(s) the following claims asserted Form Complaint for Personal Injuries, Damages and Demand he allegations and prayer for relief with regard thereto, as set
	Count I:	Negligence
	Count II:	Strict Liability: Design Defect
	Count III:	Negligent Design
	Count IV:	Strict Liability: Failure to Warn
	Count V:	Negligent Failure to Warn
	Count VI:	Negligent Recall
	Count VII:	Battery
	Count VIII:	Strict Liability: Manufacturing Defect
	Count IX:	Negligent Manufacturing
	Count X:	Breach of Express Warranty
	Count XI:	Breach of the Implied Warranty of Merchantability
	Count XII:	Breach of the Implied Warranty of Usability
	Count XIII:	Fraud
	Count XIV:	Negligent Misrepresentation
	Count XV:	Negligence Per Se
	Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
	Count XVII:	Unjust Enrichment
	Count XVIII:	Loss of Consortium
	Count XIX:	Survivorship and Wrongful Death
	Count XX:	Medical Monitoring

Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
following claims as	North America Holding Corporation, Plaintiff(s) adopt(s) the serted in the Master Long Form Complaint for Personal Injuries, and for Jury Trial, and the allegations and prayer for relief with et forth therein:
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn
Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se

Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
As to Polymer Te	chnologies, Inc., Plaintiff(s) adopt(s) the following claims
As to Polymer Teasserted in the Mast	chnologies, Inc., Plaintiff(s) adopt(s) the following claims are Long Form Complaint for Personal Injuries, Damages and
asserted in the Mast	chnologies, Inc., Plaintiff(s) adopt(s) the following claims for Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
asserted in the Mast Demand for Jury Tri	er Long Form Complaint for Personal Injuries, Damages and
asserted in the Mast Demand for Jury Tri as set forth therein:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
asserted in the Mast Demand for Jury Tri as set forth therein: Count I: Count II:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence
asserted in the Mast Demand for Jury Tri as set forth therein: Count I:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect
asserted in the Mast Demand for Jury Tri as set forth therein: Count I: Count II: Count II:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design
asserted in the Mast Demand for Jury Tri as set forth therein: Count I: Count II: Count III: Count IV:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn
asserted in the Mast Demand for Jury Tri as set forth therein: Count I: Count II: Count IV: Count IV:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn
asserted in the Mast Demand for Jury Tri as set forth therein: Count I: Count II: Count IV: Count V: Count VIII:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect
asserted in the Mast Demand for Jury Tri as set forth therein: Count I: Count II: Count IV: Count V: Count VIII: Count IX:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect Negligent Manufacturing
asserted in the Mast Demand for Jury Tri as set forth therein: Count I: Count II: Count IV: Count V: Count VIII: Count IX: Count XIII:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect Negligent Manufacturing Fraud

Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
asserted in the Mast	ded Products LLC, Plaintiff(s) adopt(s) the following claims for Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn
Count V:	Negligent Failure to Warn
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring

Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
If additional claims	against the Defendants identified in the Master Long Form
above, the additional Plaintiff(s) assert(s)	nal Injuries, Damages and Demand for Jury Trial are alleged al facts, if any, supporting these allegations must be pleaded the following additional factual allegations against the din the Master Long Form Complaint for Personal Injuries, and for Jury Trial:
N/A	
Plaintiff(s)' damage	(s) that additional parties may be liable or responsible for salleged herein. Such additional parties, who will be hereafter and ants, are as follows (must name each Defendant and its
	L DATA (LOUISIANA CITIZEN) E (LOUISIANA CITIZEN)

18. Plaintiff(s) assert(s) the following additional claims and factual allegations against other Defendants named in Paragraph 16 above:
N/A

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial and any additional relief to which Plaintiff(s) may be entitled.

Date: Mar 21 2023

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